IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 1017 OF 2007
IN
CRIMINAL APPEAL NO. 833 OF 2007

Mahesh Appasaheb Deshmukh ..Applicant

Vs.

The State of Maharashtra
(Through Police Station, Atpadi
Crime Register No.53/2005) ..Respondent

Mr. Kedar Patil with Mr. Sudatta Patil for applicant.
Mr. D.P. Adsule, APP for State.

CORAM: B.H. MARLAPALLE, J.

Date : September 06, 2007.

P.C.:

1. Heard Mr. Patil the learned counsel for the applicant-accused no.1. This is an application for bail pending Criminal Appeal No.833 of 2007.

2. In Sessions Case No. 245 of 2005 in all nine accused were put on trial and accused nos.2 to 9 came to be acquitted of all the offences i.e. offences punishable under Sections 143, 147, 148, 149, 307 and 506 of IPC as well as Sections 3 and 25 of the Arms

Act. Only accused no.1, the present applicant, has been held to be guilty of the offence punishable under Section 307 of IPC and has been sentenced to suffer RI for seven years and to pay a fine of Rs.5000/-, in default thereof, to suffer SI for six months more.

3. The learned counsel for the applicant has placed on record the copies of oral depositions of relevant witnesses, including the oral depositions of the Medical Officer Dr. Dilip Sawant (PW 7). Having regards to his depositions in the cross-examination, this is a fit case for the applicant being released on bail during the pendency of the appeal. It is also not disputed that the applicant was on bail during the trial.

4. Hence, the application is allowed and it is directed that the applicant be released on bail, unless required in some other case, during the pendency of Criminal Appeal No. 833 of 2007 on the same terms as before the trial court but on fresh bonds.

(B.H. Marlapalle,J.)